

# EXHIBIT 6



## COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004-2401  
TEL 202.662.6000  
FAX 202.662.6291  
WWW.COV.COM

WASHINGTON  
NEW YORK  
SAN FRANCISCO  
LONDON  
BRUSSELS

November 23, 2005

### BY E-MAIL AND ELECTRONIC SERVICE

L. Timothy Terry  
Deputy Attorney General  
Office of the Attorney General  
198 North Carson Street  
Carson City, NV 89701

Jeniphr A. Breckenridge  
Hagens Berman Sobol Shapiro  
1301 Fifth Avenue  
Suite 2900  
Seattle, WA 98101

**Re: Nevada AWP Actions**

Dear Tim & Jeniphr:

I am writing this letter for two reasons. First, as we discussed at the depositions last week, I am providing you with an informal list of witnesses that we intend to depose. Second, I am identifying those documents specifically requested during the depositions of Charles Duarte, Mel Rosenberg and John Liveratti. As Judge Saris has denied Plaintiff's request to extend the discovery deadline for the Nevada actions, we expect that you will use your best efforts to provide us with this discovery -- as well as all other outstanding discovery -- by the January 31, 2006, cutoff.

#### **I. Depositions**

The following list of witnesses is not meant to be exhaustive and Defendants reserve the right to add or remove names from this list as necessary.

##### **A. Current Medicaid Employees**

1. Vicki Langdon
2. Coleen Lawrence
3. Carol Tilstra

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4. Charles Duarte
5. Patrick Cates
6. Mary Wherry
7. Phil Nowak

**B. Former Medicaid Employees**

1. Janice Wright
2. Chris Thompson
3. Deborah King
4. Rebecca Ward
5. Dion Coston
6. Laurie Squartsoff
7. Keith McDonald

**C. Other Current and Former State Employees**

1. Michael Willden (Director of Nevada Dep't. Health and Human Services)
2. Charlotte Crawford (former Director of Nevada Dep't. of Human Resources)
3. Woody Thorn (Executive Officer for the Public Employees Benefits Fund)
4. Emanuel Ebo (Division of Mental Health and Developmental Services)
5. Michael Hillerby (Chief of Staff to the Governor)
6. Mary Bell Batcher (former Chief of Staff to the Governor)
7. Patty Maryfield (Division of Child & Family Services)
8. Alex Haartz (Health Division)
9. Richard Whitley (Health Division)
10. Laurie Olson (Nevada Senior Rx)
11. Ted D'Amico (Medical Director - Medical Division of the Nevada Dep't. of Corrections)
12. Marsheila Lyons (legislative staffer)
13. Steve Abba (legislative staffer)

With respect to current State employees (whether Medicaid or otherwise), we expect that you will assist in making such witnesses available in a timely fashion. With respect to former State employees, our understanding is that you will assist in setting up these depositions as well.

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Please let us know as soon as possible if this is not the case with respect to any such former employees. In addition, please ensure that responsive documents in the files of the above witnesses are searched for and produced prior to the depositions.

To keep the process going, we would like to take another round of depositions the week of December 12. Specifically, we would like to depose the following current Medicaid officials that we have not yet deposed: Vicki Langdon, Carol Tilstra, Patrick Cates, Mary Wherry and Phil Nowak. Please begin checking the schedules for these individuals.

## II. Documents

In addition to those documents that we have identified in our previous letters, we request that you search for and produce the following documents to the extent they are responsive to Defendants' document requests:

1. Responsive documents from and relating to the Governor's Drug Summit referenced by Mr. Duarte
2. Responsive documents from the files of the Nevada Medicaid Fraud Control Unit and Tim Terry, including but not limited to documents relating to the investigation of Bayer and other investigations involving AWP, drug reimbursement, or drug rebates, including investigations conducted while Mr. Terry was President of NAMFCU. We ask that a privilege log be produced for any such documents that are withheld on the grounds of privilege.
3. Documents from (i) the Division of Child & Family Services; (ii) the Health Division; (iii) the Division of Mental Health and Developmental Services; (iv) the Public Employees Benefits Fund; and (v) the Nevada Department of Corrections sufficient to:
  - a) show, during the time period at issue: (i) the drugs purchased by that entity; (ii) the prices at which the drugs were purchased by that entity; and (iii) any knowledge of actual acquisition costs for drugs, even if not purchased by that entity; and
  - b) describe the nature of the drug benefit program offered by that entity, and whether any reimbursements or payments by the program or its beneficiaries are or were based on AWP
4. Responsive documents from relevant Nevada legislative and executive offices, including but not limited to the following committees and offices identified by Mr. Duarte: Office of the Governor's Chief of Staff; Interim Committee on Health Care; Interim Committee on Persons with Disabilities; Interim Finance Committee; Interim Committee for Children, Youth &

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Families; Joint Subcommittee on Finance; Joint Committee on Health & Human Services; and individual committees on Health & Human Services.

5. Any documents from Myers & Stauffer that explain the spreadsheet that has been produced
6. All documents relating to the State's consideration of alternative drug reimbursement methodologies during the time period covered by the State's claims, including but not limited to the specific alternative methodologies referenced by Mr. Duarte.

Defendants reserve the right to press for additional documents and depositions from or concerning these entities to the extent necessary to support their defenses or otherwise respond to the State's claims.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason R. Litow", written in a cursive style.

Jason R. Litow

cc: Counsel of record (by electronic service)